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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/899,962	07/06/2001	Ali N. Saleh	M-9838 US	4375

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EXAMINER	
TRAN, NGHI V	
ART UNIT	**PAPER NUMBER**
2151	

DATE MAILED: 09/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/899,962	SALEH ET AL.	
	Examiner	Art Unit	
	Nghi V. Tran	2151	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *25 August 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-46* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-46* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *08/25/2006*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This office action is in response to the amendment filed on August 25, 2006. Claims 1, 4, 5, 7-9, 12, 13, 15-17, 20-21, 23-25, 28-29, and 31-33 have been amended. No claims have been canceled. Therefore, claims 1-46 are presented for further examination.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on August 25, 2006 has been entered.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Iwata, U.S. Patent No. 6,026,077 (hereinafter Iwata), in view of Houji, U.S. Patent No. 5,832,197 (hereinafter Houji), and further in view of Ebata et al., United States Patent Number 6,708,209 (hereinafter Ebata).

5. With respect to claims 1, 9, 17, 25, 33, 41, 44, and 46, Iwata teaches a method for restoring a path in a communication system between zones [see abstract and fig.1] comprising:

- establishing an inter-zone link between a first border node (**A**) of a source zone [i.e. sub-networks, **701** and/or peer group, **PG-A**] and a second border node (**D**) of a destination zone [i.e. sub-networks, **704**] [fig.1];
- identifying an inter-zone link failure between the source zone and the destination zone [col.10, ln.66 - col.11, ln.27 and col.12, lns.40-62];
- identifying a pre-planned alternative route between the source zone and the destination zone [i.e. previously determine an alternate path, see abstract and fig.1];
- informing a node in the destination zone of alternative route [fig.1];
- informing a node in the source zone of alternative route [fig.1]; and
- providing communication between the destination zone and the source zone via the preplanned alternative route [fig.4].

However, Iwata does not explicitly show wherein the pre-planned alternative route meets class of service requirements between the source zone and the destination zone.

In a method for restoring a path, Houji suggests or discloses wherein the pre-planned alternative route meets class of service requirements between the source zone and the destination zone [see abstract, figs.1-2, and col.2, ln.46 - col.4, ln.38].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Iwata in view of Houji by the pre-planned alternative route meets class of service requirements between the source zone and the adjacent destination zone because this feature performs alternate routing and avoids congestion without interrupting a connection [Houji, col.1, ln.28]. It is for this reason that one of ordinary skill in the art at the time of the invention would have been motivated to modify in order to select one of the alternate virtual paths according to their priorities and switches the route to the selected virtual path without interrupting the connection [Houji, col.1, lns.23-25].

Further, Iwata does not explicitly show where the inter-zone link meets class of service requirements between the source zone and the destination zone.

In a communication method, Ebata suggests or discloses where the inter-zone link [i.e. inter-organization link] meets class of service requirements [i.e. QoS control using a policy of the policy servers] between the source zone and the destination zone [col.7, lns.1-63; col.17, lns.37-58; and col.18, lns.17-21].

Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Iwata in view of Houji, and further in view of Ebata by meeting class of service requirements between the source zone and the destination zone because this feature can provide a quality-guaranteed path extending to a plurality of networks which has a quality guaranteed the policies [Ebata, col.2, lns.23-27]. It is for this reason that one of ordinary skill in the art at the time of the invention would have been motivated in order to be guaranteed in its own network for an inter-network communication [Ebata, col.2, lns.5-7].

6. With respect to claims 2, 10, 18, 26, and 34, Iwata further suggests routing the pre-planned alternative route through a transit zone [fig.1].

7. With respect to claim claims 3, 6, 11, 14, 19, 22, 27, 30, 35 and 38, Iwata further teaches requesting new paths to be established between zones [i.e. setting up the alternate path, see abstract].

8. With respect to claims 4-5, 7-8, 12-13, 15-16, 20-21, 23-24, 28-29, 31-32, 36-37, and 39-40, Iwata does not explicitly show the pre-planned alternative route is configured based on class of service requirements.

In a method for restoring a path in a communication system, Houij discloses the pre-planned alternative route is configured based on class of service requirements [see abstract and fig.1].

Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Iwata in view of Houij by the pre-planned alternative route meets class of service requirements between the source zone and the adjacent destination zone because this feature performs alternate routing and avoids congestion without interrupting a connection [Houji, col.1, ln.28]. It is for this reason that one of ordinary skill in the art at the time of the invention would have been motivated to modify in order to select one of the alternate virtual paths according to their priorities and switches the route to the selected virtual path without interrupting the connection [Houji, col.1, lns.23-25].

9. With respect to claims 42-43 and 45, Iwata further teaches the processor is further configured to:

- identify an intra-zone failure within at least one of said source zone and said adjacent destination zone [i.e. link state database **102**, figs.2-6]; and
- dynamically identify an alternative route using a distributed restoration process [col.7, ln.60 - col.8, ln.61].

Response to Arguments

10. Applicant's arguments with respect to claims 1-46 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nghi V. Tran whose telephone number is (571) 272-4067. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung can be reached on (571) 272-3939. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nghi V Tran
Patent Examiner
Art Unit 2151

September 15, 2006

RUPAL DHARIA
SUPERVISORY PATENT EXAMINER